

1636

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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| <p>In re Application of: Handelsman et al.</p> <p>Application No: 09/877,406</p> <p>Filed: June 8, 2001</p> <p>For: <i>Microorganism Genomics, Compositions and Methods Related Thereeto</i></p> | <p>Examiner: G. Leffers Jr.</p> <p>Art Unit: 1636</p> <p>Attorney Ref. No: WAI-001.03 (Formerly AVI-001.03)</p> |
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CERTIFICATE OF FIRST CLASS MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as First Class Mail in an envelope addressed to the Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on April 20, 2004.


John Barretto

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT
UNDER 37 CFR 1.97(b)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Submitted herewith on Form PTO-1449 is a listing of documents known to Applicant and/or his attorney in compliance with the requirements of 37 CFR 1.56. Copies of these documents are also being submitted herewith.

Applicant respectfully requests that the Examiner consider the listed documents and indicate that they were considered by making appropriate notations on the attached Form 1449.

This submission does not represent that a search has been made or that no better art exists. Nor does it constitute an admission that the cited documents are material or constitute

“prior art.” If the Examiner applies the listed documents as prior art against any claim in the application and Applicant determines that the cited documents do not constitute “prior art” under United States law, Applicant reserves the right to present to the Office the relevant facts and law regarding the appropriate status of said document.

Applicant further reserves the right to take appropriate action to establish the patentability of the disclosed invention over the listed documents, should one or more of the referenced documents be applied against the claims of the present application.


Under 37 C.F.R. § 1.97(b)(3), this Supplemental Information Disclosure Statement is being filed before the mailing date of the first Office Action on the merits; therefore, no fee is believed to be due in connection with the filing of this disclosure. If, however, a first Office Action on the merits issues in this application bearing a mailing date prior to the date of this Supplemental Information Disclosure Statement, please charge the appropriate fees as required under 37 C.F.R. § 1.17(p) to our **Deposit Account No. 06-1448**.

Should there be any questions after reviewing this paper, the Examiner is invited to contact the undersigned at (617) 832-1000.

Respectfully Submitted,

Date: April 20, 2004

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Form PTO-1449

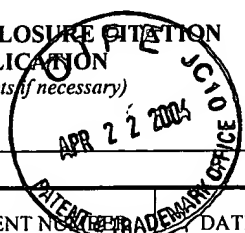
**INFORMATION DISCLOSURE CITATION
IN AN APPLICATION**
(Use several sheets if necessary)

Docket Number (Optional)
WA1-001.03 (formerly AV1-001.03)

Application Number
09/877,406

Applicant
Handelsman et al.

Filing Date
June 8, 2001

Group Art Unit
1636
**U.S. PATENT DOCUMENTS**

| EXAMINER INITIAL | DOCUMENT NUMBER | DATE | NAME | CLASS | SUBCLASS | FILING DATE IF APPROPRIATE |
|---------------------|-----------------|------|------|-------|----------|-------------------------------|
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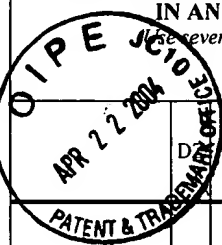
FOREIGN PATENT DOCUMENTS

| | DOCUMENT NUMBER | DATE | COUNTRY | CLASS | SUBCLASS | Translation | |
|--|-----------------|------|---------|-------|----------|-------------|----|
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OTHER DOCUMENTS

(Including Author, Title, Date, Pertinent Pages Etc.)

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| | DN | Stein, J. et al., <i>Characterization of Uncultivated Prokaryotes: Isolation and Analysis of a 40-Kilobase-Pair Genome Fragment from a Planktonic Marine Archaeon</i> , Journal of Bacteriology, Feb. 1996, p. 591-599. |
| | DO | Suzuki, M. et al., <i>Bacterial Diversity among Small-Subunit rRNA Gene Clones and Cellular Isolates from the Same Seawater Sample</i> , Applied and Environmental Microbiology, Mar. 1997, p. 983-989. |
| | DP | August, P.R. et al., <i>Sequence Analysis and Functional Characterization of the Violacein biosynthetic Pathway from Chromobacterium Violaceum</i> , J. Mol. Microbiol. Biotechnol (2000) 2(4): 513-519. |
| | DQ | Beja, O. et al., <i>Bacterial Rhodopsin: Evidence for a New Type of Phototrophy in the Sea</i> , Science, 289, Sept. 2000, pp. 1902-06. |
| | DR | Brady, S. et al., <i>Long-Chain N-Acyl Amino Acid Antibiotics Isolated from Heterologously Expressed Environmental DNA</i> , J. Am. Chem. Soc. 2000, 122, 12903-12904. |
| | DS | Brady, S. et al., <i>Cloning and Heterologous Expression of a Natural Product Biosynthetic Gene Cluster from eDNA</i> , Organic Letters, 2001, 3(13): 1981-1984. |
| | DT | Entcheva, P. et al., <i>Direct Cloning from Enrichment Cultures, a Reliable Strategy for Isolation of Complete Operons and Genes from Microbial Consortia</i> , Applied and Environmental Microbiology, Jan. 2001, p. 89-99. |
| | DU | Fiandt, M., <i>Construction of an Environmental Genomic DNA Library from Soil Using the EpiFOS™ Fosmid Library Production Kit</i> , Epicentre Forum, Vol. 7 No. 4, p. 6. |
| | DV | Henne, A. et al., <i>Construction of Environmental DNA Libraries in Escherichia Coli and Screening for the Presence of Genes Conferring Utilization of 4-Hydroxybutyrate</i> , Applied and Environmental Microbiology, Sept. 1999, p. 3901-3907. |
| | DW | Henne, A. et al., <i>Screening of Environmental DNA Libraries for the Presence of Genes Conferring Lipolytic Activity on Escherichia Coli</i> , Applied and Environmental Microbiology, July 2000, p. 3113-3116. |
| | DX | Lorenz, P. et al., <i>Expression Cloning of Metagenome DNA from Soil</i> . |
| | DY | MacNeil, I.A. et al., <i>Expression and Isolation of Antimicrobial Small Molecules from Soil DNA Libraries</i> , J. Mol. Microbiol. Biotechnol. (2001) 3(2): 301-308. |

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| Form PTO-1449 | | Docket Number (Optional) WAI-001.03 (formerly AVI-001.03) | Application Number 09/877,406 |
| INFORMATION DISCLOSURE CITATION IN AN APPLICATION (Use several sheets if necessary) | | Applicant Handelsman et al. | |
| | | Filing Date June 8, 2001 | Group Art Unit 1636 |
|  | D | Rondon, M. et al., <i>Toward Functional Genomics in Bacteria: Analysis of Gene Expression in Escherichia Coli From A Bacterial Artificial Chromosome Library of Bacillus Cereus</i> , Proc. Natl. Acad. Sci. USA, Vol. 96, pp. 6451-6455, May 1999. | |
| | EA | Rondon, M, et al., <i>The Earth's Bounty: Assessing and Accessing Soil Microbial Diversity</i> , TIB TECH, Oct. 1999, Vol. 17, pp. 403-409. | |
| | EB | Rondon, M. et al., <i>Cloning the Soil Metagenome: a Strategy for Accessing the Genetic and Functional Diversity of Uncultured Microorganisms</i> , Applied and Environmental Microbiology, June 2000, p. 2541-2547. | |
| | EC | Wang, G. et al., <i>Novel Natural Products from Soil DNA Libraries in a Streptomyces Host</i> , Organic Letters, (2000) 2(16): pp. 2401-2404. | |
| | ED | Beja, O. et al., <i>Construction and Analysis of Bacterial Artificial Chromosome Libraries From A Marine Microbial Assemblage</i> , Environmental Microbiology (2000) 2(5), pp. 516-529. | |
| | EE | Osburne, M.S. et al., <i>Tapping into Microbial Diversity for Natural Products Drug Discovery</i> , ASM News, (2000) 66(7), pp. 411-417. | |
| | EF | <i>The Bugs That Live In Bugs</i> , The Economist, Aug. 31 (1996), pp. 65-67. | |
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| EXAMINER | | | DATE CONSIDERED |
| EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP § 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to the applicant. | | | |

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